



JFW ✓

**MAIL STOP MISSING PARTS**  
**PATENT**  
9694D-000002/US

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Applicant(s):	Mitsuo FUKUDA et al.	Conf. No.:	8672
Application No.:	10/784,877	Group:	3763
Filed:	February 24, 2004	Examiner:	Unknown
For:	MEDICAL LANCET		

**PETITION UNDER 37 C.F.R. §1.181**

**MAIL STOP MISSING PARTS**

July 19, 2004 (Monday)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants received a Notice of Omitted Items dated May 18, 2004, indicating that Fig. 11C described in the Specification was omitted from the original filing of the application. A copy of the Notice of Omitted Items is enclosed. Applicants respectfully disagree for the following reasons. Please note that because the two-month deadline fell over a weekend, Applicants are filing their response today, Monday, July 19, 2004 (the next PTO business day).

Fig. 11C was, in fact, present with the application when the application was filed on February 24, 2004, as evidenced by the enclosed copy of the date stamped postcard receipt. As clearly set forth on the postcard receipt, the Patent Office received eighteen (18) sheets of formal drawings inclusive of Fig. 11A-11(c). Applicants note that Fig.

11(c) is provided on the same drawing sheet as Figs. 11A-11B. To be more consistent with the written description, Applicants enclose a replacement sheet of drawings in which Fig. 11(c) is relabeled as Fig. 11C. This specific drawing change does not introduce any prohibitive new matter.

Applicants authorize the appropriate Petition fee of \$130.00 under 37 C.F.R. § 1.17(i). However, as the enclosed copy of Applicants postcard receipt indicates, Fig. 11C was in fact received by the Patent Office. Accordingly, Applicants request a refund of the \$130.00 Petition fee, which may be credited to the deposit account identified below.

In the event that there are any matters remaining in the present application, the Examiner is invited to contact the undersigned to discuss this application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By   
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

DJD/HFH/bof



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/784,877	02/24/2004	Mitsuo Fukuda	9694D-000002/US

30593  
 HARNESS, DICKEY & PIERCE, P.L.C.  
 P.O. BOX 8910  
 RESTON, VA 20195



CONFIRMATION NO. 8672

## FORMALITIES LETTER



\*OC000000012694201\*

Date Mailed: 05/18/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 11C described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

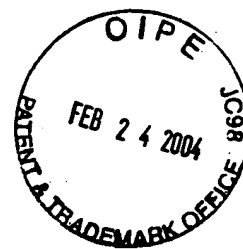
PART 2 - COPY TO BE RETURNED WITH RESPONSE



Applicant: Mitsuo FUKUDA et al.	Case No.: 9694D-000002/US
Serial No.: NEW	Filing Date: February 24, 2004
Title: MEDICAL LANCET	

Please acknowledge receipt of:

Check No. **13946** for \$479.00; Utility Patent Application Transmittal; Fee Transmittal; Priority Letter with certified Japanese Priority Document; Recordation Cover Sheet with original executed Assignment; Information Disclosure Statement and PTO Form 1449 with one (1) Japanese reference; Specification (43 pgs); eighteen (18) sheets of formal drawings; and postage paid return receipt postcard.



By stamping and returning to Harness, Dickey & Pierce, P.L.C.

USPTO Date Stamp

Due: 2/25/2004

Date Mailed: 2/24/2004

Attorney: DJD:ewd

35



ORIGINAL SHEET

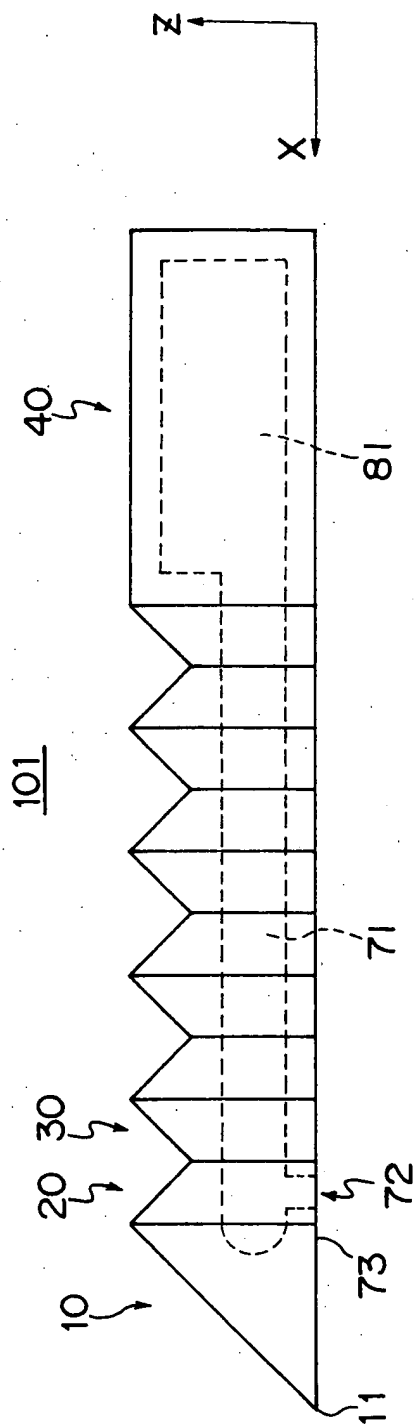


Fig. 11A

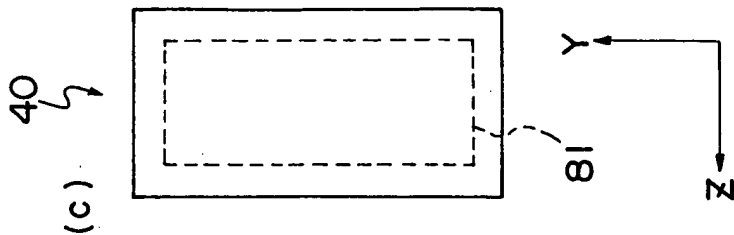


Fig. 11B



Replacement Sheet

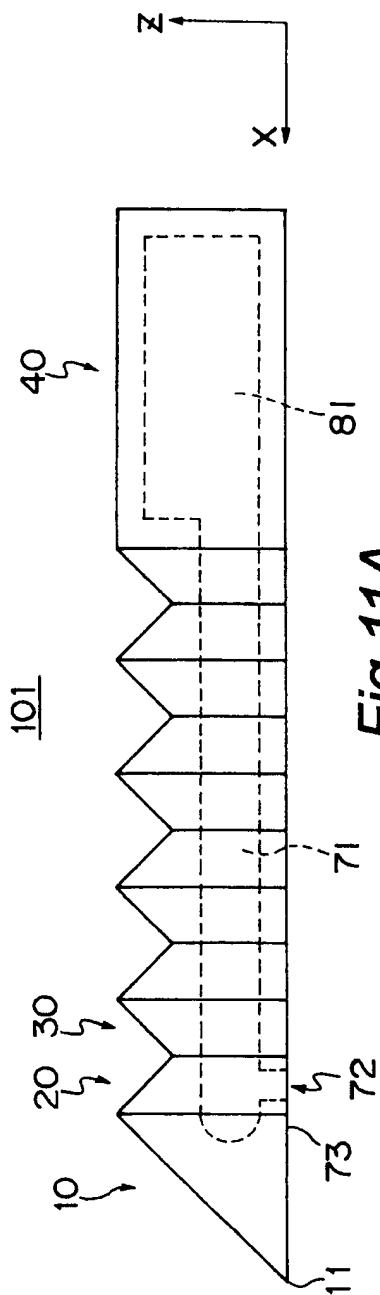


Fig. 11A

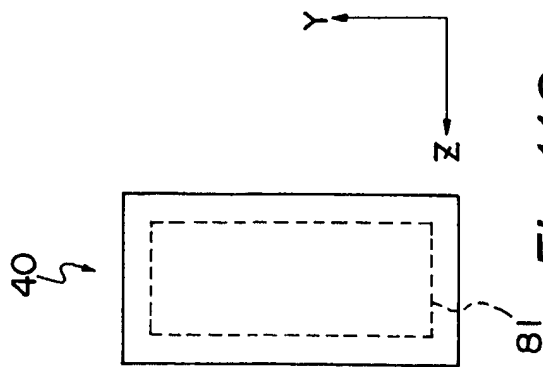


Fig. 11C

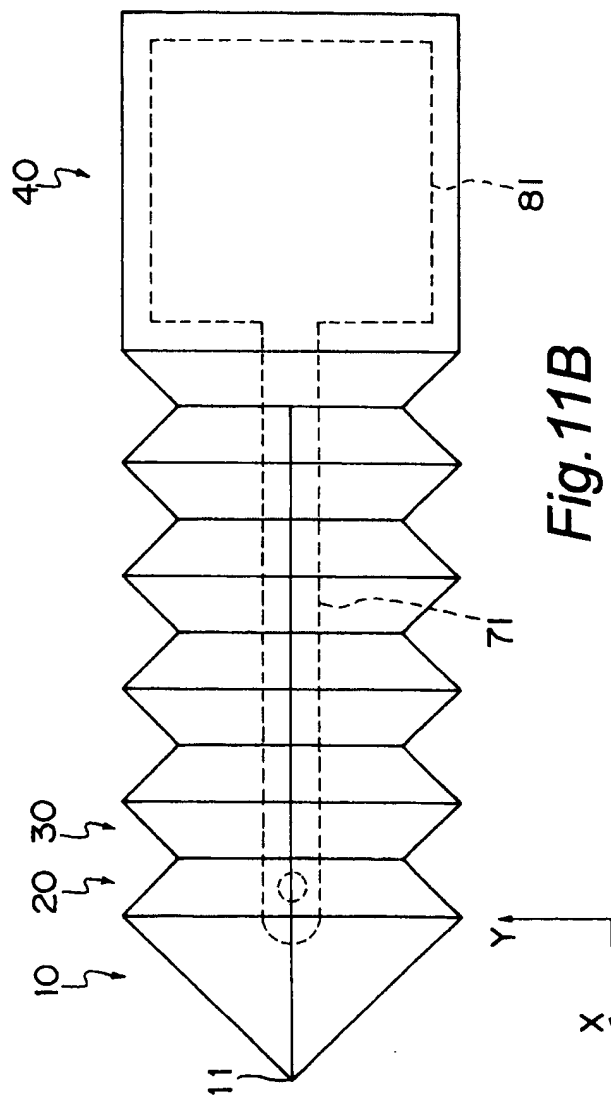
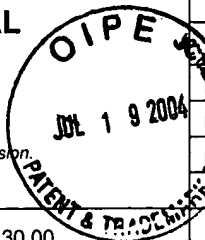


Fig. 11B

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2004**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	10/784,877
Filing Date	February 24, 2004
Inventor(s)	Mitsuo FUKUDA et al.
Examiner Name	Unknown
Group Art Unit	3763
Attorney Docket No.	9694D-000002/US

**TOTAL AMOUNT OF PAYMENT** (\$) 130.00**METHOD OF PAYMENT (check one)**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

08-0750

Deposit  
Account  
Name

Harness, Dickey &amp; Pierce, P.L.C.

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money  
Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$)

**2. EXTRA CLAIM FEES**

	Total Claims	Extra Claims	Fee from below	Fee Paid
	20 **	X		
Independent Claims	3 **	X		
Multiple Dependent		X		

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	1053	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 130.00)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Donald J. Daley	Registration No. Attorney/Agent	34,313	Telephone	703-668-8000
Signature				Date	July 19, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box → ☐**TRANSMITTAL  
FORM***(to be used for all correspondence after initial filing)*

Application Number	10/784,877
Filing Date	February 24, 2004
Inventor(s)	Mitsuo FUKUDA et al.
Group Art Unit	3763
Examiner Name	Unknown
Attorney Docket Number	9694D-000002/US

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form☒ Fee Attached☐ Amendment☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53☐ Assignment Papers  
*(for an Application)*☐ Letter to the Official Draftsperson and  
\_\_\_\_ Sheets of Formal Drawing(s)☐ Licensing-related Papers☒ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_☐ After Allowance Communication to  
Group☐ LETTER SUBMITTING APPEAL  
BRIEF AND APPEAL BRIEF (w/clean  
version of pending claims)☐ Appeal Communication to Group  
*(Notice of Appeal, Brief, Reply Brief)*☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
*(please identify below):*Copy of Notice of Omitted Items,  
copy of Stamped Postcard from  
02/24/2004, copy of Original  
Drawing, and Replacement  
Drawing

Remarks

**MAIL STOP MISSING PARTS****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

Harness, Dickey &amp; Pierce, P.L.C.

Attorney Name  
Donald J. DaleyReg. No.  
34,313

Signature

Date

July 19, 2004